STATUTORY RULES OF NORTHERN IRELAND

2000 No. 311

EDUCATION

Students Awards Regulations (Northern Ireland) 2000

Made - - - -	*19th October 2000*
Coming into operation	*20th October 2000*

The Department of Higher and Further Education, Training and Employment, in exercise of the powers conferred on it by Articles 50(1) and (2) and 134(1)(**1**) of the Education and Libraries (Northern Ireland) Order 1986(**2**), and now vested in it(**3**) and of every other power enabling it in that behalf, hereby makes the following Regulations:

PART I

GENERAL

Citation and commencement

1. These Regulations may be cited as the Students Awards Regulations (Northern Ireland) 2000, shall come into operation on 20th October 2000 and shall have effect on and from 1st September 2000.

Revocations

2.—(1) The Students Awards Regulations (Northern Ireland) 1999(**4**), the Students Awards (Amendment) Regulations (Northern Ireland) 1999(**5**), the Students Awards (Amendment) Regulations (Northern Ireland) 2000(**6**) and the Students Awards (Amendment No. 2) Regulations (Northern Ireland) 2000(**7**) are hereby revoked.

(**1**) As amended by S.I.1993/2810 (N.I. 12)Art. 50(1) and Schedule 4 Part II
(**2**) S.I. 1986/594 (N.I. 3): Article 50(1) and (2) was repealed by Article 9 of, and the Schedule to, the Education (Student Support) (Northern Ireland) Order 1998, S.I. 1998/1760 (N.I. 14), subject to the transitional and saving provisions in Part II of the Education (Student Support) (Northern Ireland) Order 1998 (Commencement No. 2 and Transitional Provisions) Order (Northern Ireland) 1998, S.R. 1998 No. 460 (c. 22)
(**3**) S.R. 1999 No. 481 Article 5(*b*) and Schedule 3 Part II
(**4**) S.R. 1999 No. 351
(**5**) S.R. 1999 No. 369
(**6**) S.R. 2000 No. 250
(**7**) S.R. 2000 No. 264

(2) Without prejudice to section 29(3)(*a*) of the Interpretation Act (Northern Ireland) 1954(**8**) and to the definition of "award", an old award made in pursuance of the Regulations revoked by regulation 2 before the coming into operation of these Regulations, insofar as it could have been made in pursuance of these Regulations, shall for the purposes thereof, be treated as having been so made.

(3) Where the current academic year of a student's course began in the winter or the spring of 2000 then, notwithstanding anything in these Regulations, payments in pursuance of an old award to that student in respect of the year beginning on 1st January 2000 or, as the case may be, 1st April 2000 shall be the aggregate of—

(a) two-thirds or, as the case may be, one-third of the payments in pursuance of that award which would have fallen to be made in respect of that year under the Students Awards (Northern Ireland) Regulations 1999 had they not been revoked; and

(b) one-third or, as the case may be, two-thirds of the payments which would have fallen to be made in respect of the year beginning on 1st September 2000 under these Regulations had the academic year of that course begun in the autumn of 2000.

(4) In the case of a course at the University of Buckingham beginning in the winter, spring or summer of 2000 then, notwithstanding anything in these Regulations, payments in pursuance of an old award in respect of the year beginning on 1st January, 1st April or 1st July (as the case may be) shall be the aggregate of—

(a) three-quarters, one-half or one-quarter (as the case may be) of the payments which would have fallen to be made in respect of that year under the Students Awards Regulations (Northern Ireland) 1999 had they not been revoked; and

(b) one-quarter, one-half or three-quarters (as the case may be) of the payments which would have fallen to be made in respect of the year beginning on 1st September 2000 under these Regulations had the academic year of the course begun in the autumn of 2000.

(5) Where an award was made to a student under Article 50(3) ("the discretionary award") in respect of a course to which Article 50(1) and (2) did not then apply but the course becomes or has become a specified course and an award within the meaning of these Regulations is or has been made to the student in respect of that course, then if the discretionary award continues to be payable it shall be disregarded in calculating the students income for the purposes of regulation 12(1)(*b*); but payments on account of the mandatory award in respect of fees and in respect of maintenance for any period shall be respectively reduced or extinguished by those on account of the corresponding element of the discretionary award.

(6) Where—

(a) an award was made to a person pursuant to previous awards regulations in respect of his attendance at a course during an academic year beginning before 1st September 1997; and

(b) the person immediately after ceasing to attend that course (disregarding any intervening vacation) begins to attend another course,

a board shall not be excepted from the duty to make an award in respect of the person's attendance at the second course by the application of the exception relating to settlement in the United Kingdom found in paragraph 2(*a*) of Schedule 1.

Interpretation

3.—(1) In these Regulations—

(**8**) 1954 c. 33 (N.I.)

"academic authority" in relation to an institution means the governing body or other body having the functions of a governing body and includes a person acting with the authority of that governing body or other body;

"area" means the area of a board;

"award" includes either a fees only award or a full award made under these Regulations and any award made under previous Regulations which is an old award;

"British Islands" means the United Kingdom, the Channel Islands and the Isle of Man;

"Certificate in Education" includes a Teacher's Certificate;

"the Council Regulation" means Council Regulation (EEC) No. 1612/68 on freedom of movement for workers within the Community as extended by the EEA Agreement(**9**);

"course comparable to a first degree course" means—

(a) a course of at least 3 academic years' duration provided by a university or universities for a certificate, diploma or other academic award;

(b) an educational facility designated by the Department under Article 50(1);

"course for the DipHE" means a course provided by—

(a) a publicly funded institution for the Diploma of Higher Education;

(b) a publicly funded institution for the Diploma of Higher Education or a first degree as the student may elect after the commencement of the course;

(c) a publicly funded institution in conjunction with a private institution, or by a private institution, for the Diploma of Higher Education which is for the time being designated for the purposes of this provision by the Department;

"course for the HND" means—

(i) a course provided by a publicly funded institution for the Higher National Diploma or the Higher National Diploma of the Business and Technology Education Council ("BTEC");

(ii) a course provided by a publicly funded institution in conjunction with a private institution, or by a private institution, for the Higher National Diploma or the Higher National Diploma of the Business and Technology Education Council, which is for the time being designated for the purposes of this provision by the Department;

"course of higher education" means a course of a type listed in Schedule 1 to the Further Education (Northern Ireland) Order 1997(**10**) for the purposes of paragraph 2(*d*) of Schedule 1, and includes a full-time course outside Northern Ireland which is comparable to a full-time course of higher education in Northern Ireland;

"course of initial teacher training" means—

(a) a full-time course for the initial training of teachers (other than a course for the degree of Bachelor of Education) provided by a publicly funded institution or where a private institution is an eligible institution as defined by section 4(2) of the Education Act 1994(**11**) by a public institution in conjunction with such a private institution, or by such a private institution;

(b) a part-time course of teacher training, involving not less than 3 days' attendance for the purposes of study or teaching practice during each of at least 30 weeks during each year of the course, for the time being specified for the purposes of this provision by the Department;

(**9**) O.J. No. L257, 19.10.68, p. 2. (O.J./S.E. 1968 (II) p. 475)
(**10**) S.I. 1997/1772 (N.I. 15)
(**11**) 1994 c. 30

(c) any other course of teacher training, whether full-time, part-time or partly full-time and partly part-time, for the time being so specified; and

for the purposes of paragraphs (*a*) to (*c*) a full-time course is a course involving not less than 30 weeks' full-time attendance for the purposes of study or teaching practice during each year of the course, a part-time course is a course involving periods of attendance for those purposes all of which are part-time, and a partly full-time and partly part-time course is any other course; and in this definition in relation to a course provided at the University of Oxford or Cambridge a reference to a period of 30 weeks shall have effect as a reference to a period of 25 weeks;

"degree" means a degree awarded by a university, institution of higher education in the United Kingdom or the Republic of Ireland or the Council for National Academic Awards;

"dependent" means wholly or mainly financially dependent;

"discretionary award" shall be construed in accordance with regulation 2(5);

"employment" means full-time employment or part-time employment which, in a normal week, involves a significant number of hours of work and "employed" shall be construed accordingly, and for the purposes hereof the references to employment include references to the holding for gain of any office and to the following for gain of any occupation;

"establishment of further education" excludes a university but includes a college of education and an institution of further education which also provides higher education;

"European Community" means the area comprised by the member States of the European Community (including the United Kingdom) as constituted from time to time;

"EEA Agreement" means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992(**12**) as adjusted by the Protocol signed at Brussels on 17th March 1993(**13**).

"EEA migrant worker" means a person who is a national of a member State of the European Economic Area who has taken up an activity as an employed person in the United Kingdom under the Council Regulation or in circumstances where as a national of the United Kingdom he has an enforceable Community right to be treated no less favourably than a national of another member State in relation to matters which are the subject of the Council Regulation;

"European Economic Area" means the European Community and subject to the conditions laid down in the EEA Agreement the area comprised by the Republic of Iceland, the Kingdom of Norway and the Principality of Liechtenstein; provided that any area which was previously not part of the European Economic Area, but at any time before or after these Regulations came into operation becomes part of that area shall be considered to have always been part of the European Economic Area;

"European student" means a person who is a national of a member State of the European Community or the child of such a national who has not been ordinarily resident in the British Islands as described in regulation 7(1) and (2) or who is not settled in the United Kingdom as described in paragraph 2(*a*) of Schedule 1;

"fees only award" means an award made only in respect of fees described in Schedule 5;

"first degree course" means—

(a) a course provided by a publicly funded institution for a first degree or for the degree of Bachelor of Medicine or an equivalent degree;

(b) a course provided by the University of Buckingham for a first degree of that university;

(c) an international course;

(**12**) Cmnd. 2073
(**13**) Cmnd. 2183

(d) a course provided by a publicly funded institution in conjunction with a private institution, or by a private institution, for a first degree or for the degree of Bachelor of Medicine or an equivalent degree, which is for the time being designated for the purposes of this provision by the Department;

"full award" means an award made in respect of both fees described in Schedule 5 and a maintenance grant;

"high-cost country" means Austria, Belgium, countries of the Commonwealth of Independent States, Finland, France (excluding Departements-d'Outre Mer), Germany, Iceland, Indonesia, the Republic of Ireland, Israel, Luxembourg, the Netherlands, Norway and Sweden;

"higher-cost country" means Denmark, Hong Kong, Japan, the Republic of Korea, Switzerland and Taiwan;

"independent student" means a student who—

(a) has attained the age of 25 before the beginning of the year for which payments in pursuance of his award fall to be made; or

(b) has supported himself out of his earnings for periods (including any period mentioned in paragraph (3)), before the first year of his course aggregating not less than 3 years; or

(c) has been married for at least 2 years before the beginning of the year for which payments in pursuance of his award fall to be made whether or not the marriage is still subsisting; or

(d) has no parent living; or

(e) is irreconcilably estranged from his parents;

"institution" means an educational institution in the United Kingdom providing further or higher education or both, or providing a course which qualifies for funding under Part I of the Education Act 1994 or a university or relevant institution of higher education in the Republic of Ireland providing a full-time course comparable to one listed in paragraph 1, 2, 3 or 4 of Schedule 2;

"international course" means a course provided by a publicly funded institution in conjunction with an overseas institution for a first degree;

"maintenance grant" means a grant calculated in accordance with regulation 12;

"Metropolitan Police District" means the areas referred to in section 76(1) of the London Government Act 1963(**14**) as it had effect prior to its amendment by section 323 of the Greater London Authority Act 1999(**15**);

"old award" means an award made under previous Awards Regulations which is an old award within the meaning of the Students Awards Regulations (Northern Ireland) 1998(**16**);

"ordinary maintenance requirement" shall be construed in accordance with paragraph 1(1) of Schedule 6;

"overseas institution" means an educational institution outside the United Kingdom providing further or higher education or both;

"periods of experience", "prescribed proportion" and "sandwich year" in relation to a sandwich course have the meanings respectively assigned to them by paragraph 1 of Schedule 9;

"previous awards regulations" means the Regulations revoked by regulation 2 and any regulations superseded by those Regulations;

(**14**) 1963 c. 33 section 76 was amended by the Local Authorities etc (Miscellaneous Provisions) Order 1974 (S.I. 1974/482), Article 11
(**15**) 1999 c. 29
(**16**) S.R. 1998 No. 273

"private institution" means an institution or institutions which are not maintained or assisted by recurrent grants out of public funds;

"publicly funded institution" means an institution or institutions which are maintained or assisted by recurrent grants out of public funds;

"refugee" means a person recognised by Her Majesty's Government as a refugee within the meaning of the United Nations Convention relating to the Status of Refugees done at Geneva on 28th July 1951(**17**) as extended by the Protocol thereto which entered into force on 4th October 1967(**18**) and any reference to the child of a refugee includes a reference to a person adopted in pursuance of adoption proceedings and a step-child;

"relevant day" means the last day of the month of October, February, April or June (as the case may be according to whether the academic year of the course begins in the winter, spring, summer or autumn) preceding the beginning of the course;

"relevant institution of higher education in the Republic of Ireland" means an institution listed in Part II of Schedule 4;

"specified course" means a course of a type listed in Schedule 2; and in relation to any person any reference (otherwise unqualified) to a specified course shall, as the context requires, be construed as a reference to a specified course which the person attends or has applied to attend and any reference to a specified course shall be construed as a reference to either a course of full-time study or a sandwich course;

"statutory award" means any award made or grant paid by virtue of Article 50 (except a maintenance allowance payable under the Maintenance Allowances (Pupils over Compulsory School Age) Regulations (Northern Ireland) 1996(**19**)) or Article 51 and includes any comparable award made or grant or other payment made in respect of attendance at a course which is paid out of monies provided by or under any statutory provision;

"student" means a person to whom an award has been made under these Regulations or previous awards regulations;

"supplementary requirement" shall be construed in accordance with paragraph 4 of Schedule 6;

"the excess period" shall be construed in accordance with paragraph 5(1) of Schedule 6;

"the Income Tax Acts" has the same meaning as in Schedule 1 to the Interpretation Act 1978(**20**)

"the Order" means the Education and Libraries (Northern Ireland) Order 1986 and a reference by number to an Article is a reference to the Article bearing that number in the Order;

"the Tax Acts" has the same meaning as in Schedule 1 to the Interpretation Act 1978;

"university" means a university in the United Kingdom or the Republic of Ireland and includes a university college and a constituent college, school or hall of such a university;

"year", in respect of a course, means the period of 12 months beginning on 1st January, 1st April, 1st July or 1st September (as the case may be according to whether the academic year of the course begins in the winter, spring, summer or autumn); and any reference to the first or the final year of a course shall be construed accordingly.

(2) In paragraph (1) "parent" shall have the same meaning as in Part II of Schedule 7.

(3) A period during which a student has supported himself out of his earnings includes any period during which—

(**17**) Cmnd. 9171
(**18**) Cmnd. 3906 (Out of print: photocopies are available, free of charge, from Student Support Branch, Department of Higher and Further Education, Training and Employment).
(**19**) S.R. 1996 No. 578
(**20**) 1978 c. 30; definition of "Tax Acts" substituted by 1987 c. 16, section 71, Schedule 15, paragraph 12

(a) he was participating in arrangements for training for the unemployed under any scheme operated, sponsored or funded by any state authority or agency, national, regional or local;

(b) he was in receipt of benefit payable by any state authority or agency, national, regional or local, in respect of a person who is available for employment but who is unemployed;

(c) he was available for employment and had complied with any requirement of registration imposed by a body referred to in paragraphs (*a*) and (*b*) as a condition of entitlement for participation in arrangements for training or receipt of benefit; or

(d) he held a postgraduate studentship or comparable award; or

(e) he received any pension, allowance or other benefit paid by reason of a disability to which the student is subject, or by reason of confinement, injury or sickness, paid by any state authority or agency, national, regional or local, by an employer or any former employer, or by any other person; or

(f) he could not reasonably have been expected to support himself out of his earnings because he had the care of a person under the age of 18 years who was dependent upon him.

(4) For the purposes of these Regulations, a student shall be treated as irreconcilably estranged from his parents if, but not only if, he has not communicated with either one of them for the period of one year before the beginning of the year for which payments in pursuance of his award fall to be made.

(5) For the purpose of these Regulations a course, the standard of which is not higher than a first degree course which leads to a qualification as a medical doctor, a dentist, a veterinary doctor, an architect, a landscape designer, a landscape manager, a town planner or a town and country planner shall be considered to be a single course for a first degree or for an equivalent qualification notwithstanding that the course may lead to another degree or qualification being conferred before the degree or equivalent qualification, and notwithstanding that part of the course may be optional.

Calculation of income

4. In calculating a person's income for any year, any reduction for income tax is to be made by calculating the tax payable on the income received in that year as if the year were a year of assessment for the purposes of the relevant tax legislation (the necessary apportionment being made in any case where the relevant provisions of that legislation change during the year).

Termination of marriage

5. A person's marriage is to be treated as having been terminated, not only by the death of the other spouse or the annulment or dissolution of the marriage by an order of a court of competent jurisdiction, but also by virtue of the parties to the marriage ceasing ordinarily to live together, whether or not an order for their separation has been made by any court.

PART II

AWARDS

Specified persons

6.—(1) Persons described in Part I of Schedule 1, with the exception of persons described in Part II of that Schedule, are, subject to the following paragraphs, specified by the Department for the purposes of Article 50(1).

(2) The board which shall be under a duty to make an award to a person entitled to the payment of an award by virtue of Article 7(2), (3) or 12 of the Council Regulation shall be—

(a) the board in the area of which the person was last resident during the period of 2 years preceding the relevant day;

(b) if sub-paragraph (*a*) does not apply, the board in the area of which the institution providing the person's course is situate.

(3) The duty of a board to make an award in pursuance of Article 50(1) which was repealed with transitional and saving provisions on 1st January 1999 by Article 9 of, and the Schedule to, the Education (Student Support) (Northern Ireland) Order 1998, shall apply only to the extent provided for in Articles 3 and 4 of the Education (Student Support) (Northern Ireland) Order 1998 (Commencement No. 2 and Transitional Provisions) Order 1998, and, accordingly, persons specified by the Department for the purposes of Article 50(1) are only so specified in respect of their attendance at a course which is—

(a) a first degree course where—

(i) the person begins to attend the course immediately after ceasing to attend a DipHE course or an HND course (disregarding any intervening vacation), and

(ii) an award made to him in respect of his attendance at the DipHE or HND course was an old award, or where no award was made an award would have been an old award if it had been made;

(b) a postgraduate course for the initial training of teachers where—

(i) the person begins to attend the course immediately after ceasing to attend a first degree course (disregarding any intervening vacation), and

(ii) an award made to him in respect of his attendance at the first degree course was an old award, or where no award was made an award would have been an old award if it had been made;

(c) a course the first year of which began before 1st September 1999.

Ordinarily resident

7.—(1) If a board is satisfied that a person was not ordinarily resident in the British Islands, or in the European Economic Area, throughout the 3 years immediately preceding the first year of the specified course or was not resident in a board's area on the relevant day only because that person, his spouse, parent, guardian, any other person having parental responsibility for him, or any person having care of him while he is a child, is, or was, employed temporarily outside the British Islands or, as the case may be, outside the European Economic Area, then, for the purposes of paragraph 1(*b*) of Schedule 1, that person shall not be regarded as having ceased to be so resident only because of his absence from the British Islands or the European Economic Area or the board's area in consequence of such employment and paragraph (2) shall not apply in the case of such a person. Without prejudice to the foregoing, members of the regular naval, military or air forces of the Crown shall be treated as being temporarily employed within the meaning of this paragraph for any period during which they serve outside the British Islands as members of such forces.

(2) For the purposes of paragraph 1(*b*) of Schedule 1, a person shall not be regarded as ordinarily resident in the British Islands or the European Economic Area if that person was so resident and had taken up that residence wholly or mainly for the purpose of attending a full-time course of education.

(3) For the purposes of paragraph 1(*b*) of Schedule 1, a person shall not be regarded as ordinarily resident in the British Islands if that person is personally ineligible for a full award.

(4) For the purposes of regulation 6(1) the ordinary residence requirements of paragraph 1(*b*) of Schedule 1 shall not apply in the case of a refugee, ordinarily resident in the British Islands who has not ceased to be so ordinarily resident since he was recognised as a refugee; or in the case of the spouse or child of such a refugee, and paragraph 2(*a*) of that Schedule shall not apply in the case of a person who—

(a) has been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although he is considered not to qualify as a refugee, it is thought right to allow him to enter or remain in the United Kingdom;

(b) has been granted leave to enter or remain accordingly; and

(c) has been ordinarily resident in the British Islands throughout the period since he was granted leave to enter or remain;

or in the case of the spouse or child of such a person.

(5) The person referred to in paragraph 1(*b*)(ii) of Schedule 1 is—

(a) a European student;

(b) an EEA migrant worker who is entitled to the payment of an award by virtue of Article 7(2) or (3) of the Council Regulation, or, where he is a national of the United Kingdom, by virtue of an enforceable Community right to be treated no less favourably than a national of another member State in relation to matters which are the subject of Article 7(2) and (3) of the Council Regulation;

(c) the spouse of an EEA migrant worker who is installed in the United Kingdom with his spouse;

(d) the child of an EEA migrant worker who is entitled to the payment of an award by virtue of Article 12 of the Council Regulation, or where his migrant worker parent is a national of the United Kingdom by virtue of an enforceable Community right to be treated no less favourably than the child of a national of another member State in relation to matters which are the subject of Article 12 of the Council Regulation.

(6) In paragraph (5) "parent" includes a guardian, any other person having parental responsibility for a child and any person having care of a child, and "child" shall be construed accordingly.

Previous attendance at a course

8.—(1) For the purposes of regulation 17(2) and (4) and paragraphs 1(*d*), 2(*c*) and (*d*) and 3 of Schedule 1—

(a) a person shall not be regarded as having previously attended a course—

(i) unless he has previously both attended and held a statutory award in respect of either more than one course or one course for a period longer than 20 weeks;

(ii) by reason only of his having attended from its beginning the course to which his application for an award relates;

(b) any reference to a person having attended a course shall be construed as a reference to his having done so before or after 1st September 2000;

(c) where an award has been transferred under Schedule 3, the student to whom the award has been made shall be treated as having attended only the new course, and the duration of that course shall be treated as the aggregate of the period spent following the previous course and the period which the student in question would ordinarily require for the completion of the new course in the case of either course being a sandwich course ignoring any periods of experience.

(2) Nothing in paragraph (1) shall affect the duty of the board to make an award to a person in respect of his attendance at—

(a) a postgraduate course for the initial training of teachers, unless he has—

(i) previously attended such a course; or

(ii) successfully completed a course for the degree of Bachelor of Education (or a comparable first degree or award of an institution or the Council for National Academic Awards) which is referred to in paragraph (3);

(b) a course for the degree of Bachelor of Education (or a comparable first degree or academic award of an institution or the Council for National Academic Awards) the duration of which does not exceed two years and which is referred to in paragraph (3) unless he has previously attended—

(i) such a course whether or not its duration exceeded two years; or

(ii) a postgraduate course for the initial training of teachers;

(c) a full-time course of initial training as a teacher of one year's duration, or a comparable part-time course, not within sub-paragraph (*a*) or (*b*), unless he has for more than three years held a statutory award in respect of his attendance at a full-time course of higher education or comparable course outside Northern Ireland.

(3) A course is referred to in this paragraph if the successful completion of it resulted or results in the person completing it being a qualified teacher within the meaning of section 218(2)(*a*) of the Education Reform Act 1988(**21**) or eligible to be employed as a teacher under Article 70(1)(**22**).

(4) Any reference to the duration of a course is a reference to the period ordinarily required for its completion by a student who is not excused part of the course on account of his having attended a previous course, in the case of a sandwich course ignoring any periods of experience.

Specified educational facilities

9. The courses listed in Schedule 2 are specified as educational facilities for the purposes of Article 50(1).

Terms and conditions

10.—(1) Awards to be made by boards shall be subject to the terms and conditions set out in Schedule 3.

(2) Awards to be made by boards shall be either—

(a) a full award in respect of a person's attendance at a specified course during an academic year beginning after 31st August 2000—

(i) if the person concerned is ordinarily resident in the board's area or is a person described in paragraph 1(*b*)(ii) of Schedule 1; and

(ii) the duty is not owed to the person only because he is a European student;

(b) where sub-paragraph (*a*) does not apply, a fees only award in respect of a person's attendance at a specified course at an institution in Northern Ireland during an academic year beginning after 31st August 2000 if the person is a European student.

(3) Where paragraph (2)(*a*) applies a person shall not be regarded as ordinarily resident in the area of the board as a result of having moved from England, Scotland, Wales, the Channel Islands or the Isle of Man to become ordinarily resident in the area of a board for the purpose of attending his current course or a previous course and shall be treated as being ordinarily resident in the place from which he has moved.

(4) Where paragraph (2)(*b*) applies the fees only award shall be made by the board in whose area the main facility of the institution is situated.

(**21**) 1988 c. 40

(**22**) Article 70 was substituted by S.I. 1987/167 (N.I. 2) Article 8 and amended by S.I. 1993/2810 (N.I. 12) Article 50(2) and Schedule 5

(5) The reference in paragraph (3) to a previous course is a reference to a course of further education or higher education which, disregarding an intervening vacation, the student was attending immediately before commencing his current course.

PART III

AMOUNT OF AWARDS

Payments by boards

11.—(1) Subject to regulations 10, 14, 15, 16 and 17 and paragraph 4 of Schedule 3, the board shall in respect of each year pay in pursuance of an award—

(a) in respect of fees, an amount equal to the aggregate of any fees payable in respect of the student as are described in Schedule 5; less—

(i) the amount if any by which the student's resources exceed his requirements for the purposes of regulation 12(1) (whether or not a maintenance grant is calculated under sub-paragraph (*b*)), or

(ii) the amount of any income which is not disregarded in the student's case under paragraph 1(1)(*b*) of Schedule 7,

whichever is the less;

(b) where the award is a full award, in respect of maintenance a sum calculated in accordance with regulation 12.

(2) The aggregate of any sums paid in respect of maintenance shall be called the "maintenance grant", and so much of the maintenance grant as appears to the board to be appropriate shall be treated as being in respect of the Easter and Christmas vacations.

(3) Subject to regulations 17 and 18 and paragraph 4 of Schedule 3, a board may, in respect of a student who resides in an institution other than a university, pay the amount charged by the institution for his board and lodging.

Calculation of maintenance grant

12.—(1) Subject to paragraph (2) the sum mentioned in regulation 11(1)(*b*), shall be the amount by which the student's resources fall short of his requirements and for the purpose of ascertaining that amount—

(a) the requirements of the student shall be taken to be the aggregate of the amounts specified in Schedule 6 other than those specified in paragraphs 9 and 10 as are applicable in this case;

(b) the resources of the student shall be taken to be the aggregate of his income for the year calculated in accordance with Part I of Schedule 7 and any contribution applicable in his case by virtue of Part II or III of that Schedule.

(2) There shall be added to the sum referred to in regulation 11(1)(*b*) the amount of any supplementary requirements of the student specified in paragraphs 9 and 10 of Schedule 6, less such part of any amount subtracted in accordance with regulation 11(1)(*a*) as is not required to reduce the amount payable in respect of fees to nil.

(3) This regulation and Schedules 6 and 7 shall have effect—

(a) in the case of such a student as is mentioned in Schedule 8, subject to the provisions thereof;

(b) where regulation 14 applies, subject as therein provided.

Assessment of requirements and resources

13. The requirements and resources of a student shall be assessed by the board, and for the purpose of the exercise of its functions under this regulation, the board shall require the student to provide from time to time such information as it considers necessary as to the resources of any person whose means are relevant to the assessment of his requirements and resources.

Sandwich courses

14.—(1) This regulation shall apply where the course is a sandwich course unless the course is a course of initial teacher training.

(2) For the purpose of calculating payments under regulation 11 in respect of a sandwich year, that regulation and Schedules 6 and 7 shall have effect subject to the provisions of Schedule 9; but no payments in respect of maintenance shall be made in respect of a year in which there are no periods of full-time study.

Courses of teacher training

15.—(1) This regulation shall apply—

(a) where the course is a part-time course of teacher training described in paragraph (*b*) or (*c*) of the definition of "course of initial teacher training" in regulation 3(1); or

(b) where it is a partly full-time and partly part-time course described in paragraph (c) of the said definition.

(2) Where the course is described in paragraph (*b*) of the definition of "course of initial teacher training" in regulation 3(1), the payment in respect of maintenance under regulation 11(1)(*b*) shall be a grant equal to three-quarters of the sum otherwise payable.

(3) Subject to paragraphs (4) and (5) where the course is described in paragraph (*c*) of the definition of "course of initial teacher training" in regulation 3(1), the payment under regulation 11(1)(*b*) shall be—

(a) in a year in which the student's periods of attendance are all periods of full-time attendance or in which his aggregate period of full-time attendance is 30 weeks or more, the maintenance grant;

(b) in a year in which the student's periods of attendance are all periods of part-time attendance, in the case of an old award, the sum of £325;

(c) in any other year, a sum equal to the aggregate of—

(i) the proportion of the maintenance grant which the student's aggregate period of full-time attendance in the year, expressed in weeks, bears to 30; and

(ii) in the case of an old award the proportion of £325 which the difference between the said aggregate period and 30 weeks bears to 30.

(4) In relation to a student employed full-time as a teacher, paragraph (3) shall have effect, except that in such a year as is mentioned in sub-paragraph (*a*) thereof, as if it provided that the payment under regulation 11 should be £90.

(5) In relation to a student attending a course provided at the University of Oxford or the University of Cambridge, sub-paragraphs (*a*) and (*c*) of paragraph (3) shall have effect as if any reference therein to—

(a) a period of 30 weeks were a reference to 25 weeks; and

(b) the proportion which a period expressed in weeks bears to 30 were a reference to the proportion which that period bears to 25.

(6) For the purposes of this regulation a day shall be reckoned as a seventh of a week, and "attendance" means attendance for the purposes of study or teaching practice.

Method of payment

16.—(1) Subject to paragraphs (2) to (6), the board shall make any payment due under these Regulations in such instalments (if any) and at such times as it considers appropriate; and in the exercise of its functions under this regulation the board may make provisional payments pending the final calculation of the award.

(2) Subject to paragraphs (3) and (4) the board shall pay such fees as are described in Schedule 5 promptly when a valid request for payment in respect thereof has been received.

(3) Fees described in paragraphs (i), (iii), (v), (vi), (vii), and (ix) of Schedule 5 shall be paid during the period of 10 weeks which begins after the expiry of 3 months from the beginning of the year except in respect of a student who becomes eligible for an award after 1st September 1999 in respect of a course that began before 1st September 1998, in which case fees shall be paid as soon as reasonably practicable thereafter.

(4) Payment of fees described in paragraphs (ii), (iv), (viii) and (x) of Schedule 5 shall be made in the number of instalments, if any, mentioned therein after the first dates on which the student is required to attend his course after 1st January, 1st April, 1st July and 1st September respectively, beginning with a payment after the first date on which he is required to attend after the beginning of the year of the course, and continuing with payments after the next such first dates on which he is required to attend, until all the instalments which are payable for the year have been paid.

(5) All payments shall be made to the student, except—

(a) payment of the fees described in Schedule 5 may be made to the academic authority; and

(b) where amounts specified in paragraph 9 or 10 of Schedule 6 are payable to him on his written instruction payment in respect of his maintenance grant may be made to a third party.

(6) Without prejudice to regulation 17 or the recovery of an overpayment by way of a deduction from a subsequent payment, any overpayment or underpayment made in pursuance of this regulation shall be adjusted by payment between the student or, as the case may be, the academic authority and the board.

Reduced entitlement to payments

17.—(1) In respect of any period during which the student repeats any part of his course, the board shall not be required to make any payments under regulation 11 but may pay in pursuance of the award such amounts (if any) as it considers appropriate, being amounts not exceeding the amount of any payments that would, apart from this regulation, be payable to that student in respect of that period.

(2) Paragraph (3) shall apply in the case of a student who—

(a) has previously attended a course of higher education being—

(i) in the case of a specified course, a course of up to two academic years' duration; or

(ii) in the case of a course other than a specified course, a course of two academic years' duration; or

(b) has previously successfully completed a part-time course corresponding to such a course as is mentioned in sub-paragraph (*a*) ("the previous course") and who holds an award made in respect of a course of initial teacher training or a course listed in paragraph 1 or 5 of Schedule 2, being a course of more than one year's duration ("the current course").

(3) A board shall only be required to make payments under regulation 11 in pursuance of an award in respect of the current course where—

(a) that course is not more than two years' duration, in respect of the final year of the student's course;

(b) that course is of a greater number of years' duration, in respect of the last two years of the student's course,

but, in respect of any other year of the student's current course it may make such payments as it considers appropriate, not exceeding those payments which would, apart from this regulation, have been payable under regulation 11.

(4) In paragraphs (2) and (3) any reference—

(a) to the duration of a course is a reference to the period ordinarily required for its completion by a student who is not excused part of the course on account of his having attended a previous course, in the case of a sandwich course ignoring any periods of experience;

(b) to the final year or years of a student's course is in the case of a student so excused part of the course, a reference thereto after taking account of the consequential reduction in the duration of his course;

(c) to a person's having attended a course shall be construed as provided in regulation 8(1).

(5) Where a board is under a duty to make an award to a person during a year because he has become—

(a) a European student as a result of the accession of the State of which he is a national to the European Community; or

(b) a refugee, or the spouse or child of a refugee, as a result of the recognition of him, or his spouse or parent, as a refugee,

it shall deduct from the sums and grant payable in respect of that year in pursuance of the award under regulation 11 the amounts referred to in paragraph (7).

(6) Where a student is participating in the action scheme of the European Community for the mobility of university students known as ERASMUS(**23**) and

(a) his course is an international course, and

(b) all the periods of study during a year are at an institution outside the United Kingdom,

no sum shall be payable in respect of fees under regulation 11(1)(*a*) in respect of that year.

(7) The amounts to be deducted under paragraph (5) are—

(a) from the sum payable in respect of fees under regulation 11 any amount payable before the date on which the student became a European student or the refugee was recognised as a refugee; and

(b) from the sum or grant payable in respect of maintenance under regulation 11 the proportion of that sum or grant which relates to the period before the date referred to in sub-paragraph (*a*).

(8) Where an award has been transferred by the board under paragraph 1(1)(*a*) or (*b*) of Schedule 3 and—

(a) the requisite recommendation or consent to the transfer is given after the expiry of four months after the end of the first year of the course in respect of which the award was originally made ("the previous course"); and

(b) the board is not satisfied, after consulting the academic authority or authorities concerned, that the fact that the requisite recommendation or consent was given after the expiry of the

(**23**) O.J. No. L166, 25.6.87, p. 20

period specified in sub-paragraph (*a*) was due only to the need to apply through a clearing admission system; and

(c) the board is satisfied, after consulting the academic authority or authorities concerned, that the period which the student in question will ordinarily require for the completion of the course which he now attends ("the current course") will expire later than the period which he would have required for the completion of the previous course,

then the board shall not make payments otherwise due under regulation 11 in respect of the current course in respect of the period mentioned in paragraph (8).

(9) The period referred to in paragraph (7) is the period which begins on the first day on which the student attends the new course and which ends after the number of weeks mentioned in paragraph (9).

(10) The number of weeks referred to in paragraph (8) is the difference between the number of weeks from the beginning of the current course which the student in question will ordinarily require to complete it and the number of weeks from the same date which he would have required to complete the previous course.

(11) Where an award has been transferred under paragraph 1(1)(*c*) or (*d*) of Schedule 3 so as to be held in respect of a student's attendance at a course for the degree of Bachelor of Education ("the current course") if the period which the student in question would ordinarily require for the completion of the current course, when aggregated with the period for which the student has already pursued a course in respect of which the award was held ("the overall period of study"), exceeds—

(a) five years where the current course is for the honours degree of Bachelor of Education; or

(b) four years where the current course is for that degree not being an honours degree,

("the prescribed period of study") then the board shall not make payments otherwise due under regulation 11 in respect of the current course in respect of the period mentioned in paragraph (12).

(12) The period referred to in paragraph (11) is the period beginning on the first day on which the student attends the current course and continues for the number of weeks mentioned in paragraph (13).

(13) The number of weeks referred to in paragraph (12) is the number of weeks by which the overall period of study exceeds the prescribed period of study.

(14) In determining the period ordinarily required to complete a course for the purposes of paragraph (8), (10) or (11) there shall be included vacations, and any period until the end of the final year of the course, but there shall be ignored—

(a) in each case, periods of experience which are part of a sandwich course; and

(b) in the case of the previous course any period during which the student would now be required by the academic authority to repeat part of the course, if the board would not make any payments for maintenance in respect of that period under paragraph (1).

(15) For the purposes of paragraphs (8) and (11) a payment is due in respect of the period mentioned in paragraphs (9) and (12) respectively if it is—

(a) any instalment or other payment on account of fees becoming payable under regulation 11 during that period; or

(b) a sum or grant payable, or the proportion of a sum or grant payable, in respect of maintenance under regulation 11 which relates to that period.

Withholding and reduction of payments

18.—(1) Without prejudice to paragraphs 2(1)(*c*) and 4(2) of Schedule 3 in the case of any student who is for the time being in default of any requirement to provide such information as is described in regulation 13, the board may withhold, in part, any payment due to him in respect of maintenance and calculated or determined in accordance with regulation 12, 14 or 15.

(2) No payment shall be made in respect of fees if—

(a) before the date on which the fees become payable the student ceases to attend the course; and

(b) the academic authority has determined or agreed that he will not commence attending again during the year in respect of which the fees are payable, or at all.

(3) In respect of any period—

(a) after the termination of an award;

(b) during which a student is excluded by the academic authority from attendance at the course; or

(c) during which a student is absent without leave from his course,

any payment in respect of maintenance otherwise due in pursuance of the award shall be reduced by the sum mentioned in paragraph (5).

(4) In respect of any other period being—

(a) a period during which a student is absent from his course (other than a period of not more than 60 days due to illness); and

(b) where an award held in respect of one course is transferred in pursuance of paragraph 1(1) of Schedule 3 so as to be held in respect of another course, a period during which the student is not required to attend either course (other than the period of a single vacation); or

(c) a period during which the student is detained in pursuance of an order made by any court,

the board may reduce any payment in respect of maintenance otherwise due in pursuance of the award by such amount, not exceeding the sum mentioned in paragraph (5), as having regard to all relevant circumstances it considers appropriate.

(5) The sum referred to in paragraphs (3) and (4) is the aggregate of—

(a) the maintenance grant calculated under regulation 12(1) multiplied by the number of days for which the period in question lasted divided by the number of days in respect of which the grant is payable for the year; and

(b) such portion of the maintenance grant calculated under regulation 12(2) as the board considers appropriate.

(6) In determining the number of days for which the period in question lasted under paragraph (5) the board shall disregard the first 60 days of any period of absence due to illness.

Saving provision

19. In relation to a person who commenced attendance at an institution of higher education in the Republic of Ireland providing a full-time course comparable to one listed in paragraph 1, 2, 3 or 4 of Schedule 2 before 10th July 1997 or could have commenced such attendance before that date but for choosing to defer such attendance, the following provisions of the Students Awards Regulations (Northern Ireland) 1996(**24**) shall continue to apply as if those Regulations had not been revoked—

(a) the definition of "institution" in regulation 3(1);

(b) sub-paragraph (i) of paragraph (*a*) in Schedule 6.

(**24**) S.R. 1996 No. 190 was revoked and replaced by S.R. 1996 No. 298

Sealed with the Official Seal of the Department of Higher and Further Education, Training and Employment on 19th October 2000.

L.S.

Robson Davison
A senior officer of the
Department of Higher and Further Education,
Training and Employment

SCHEDULE 1 Regulations 6, 7 and 8(1)

Persons

Regulations 6(1), 7 and 8(1)

PART I

SPECIFIED PERSONS

1. A person—

(a) who attends a specified course during an academic year beginning after 31st August 2000; and

(b) who has been—

(i) resident in the area of a board and ordinarily resident in the British Islands throughout the three years immediately preceding the first year of the specified course; or

(ii) in the case of a person entitled to the payment of an award by virtue of regulation 7(5) ordinarily resident in the European Economic Area throughout the three years immediately preceding the first year of the specified course; and

(c) to whom an award has not been made under these Regulations or previous awards regulations by the board in respect of the specified course; and

(d) who, if he has previously attended a course of higher education, has attended such a course which was provided by a college listed in Part I of Schedule 4.

Regulations 3(1), 6(1) and 8(1)

PART II

EXCLUDED PERSONS

2. A person who—

(a) is not settled in the United Kingdom within the meaning of the Immigration Act 1971(**25**) at the beginning of the first year of the course in question, unless he is such a person as is mentioned in regulation 7(5);

(b) has, in the opinion of the board, by his conduct shown himself unfitted to hold an award;

(c) has previously attended a first degree course; or

(d) has previously attended one or more courses of higher education, the aggregate duration of which exceeds two academic years (a part-time course being treated as its full-time equivalent).

3. The board shall not be under a duty to make an award to any person in respect of his attendance at any course for the Diploma of Higher Education or course for the Higher Diploma if he has previously attended any other course defined in regulation 3(1).

(**25**) 1971 c. 77; amended by the British Nationality Act 1981 (c. 61), section 39 and Schedule 4, by the Immigration Act 1988 (c. 14), sections 1, 3, 4, 6 and 10 and the Schedule, by the Asylum and Immigration Appeals Act 1993 (c. 23) sections 10 to 12

SCHEDULE 2 Regulations 3(1), 9 and 17(2)

Specified Courses

1. A first degree course.
2. A course for the postgraduate certificate in education.
3. A course for the DipHE.
4. A course for the HND.
5. A course comparable to a first degree course.
6. An international course.

SCHEDULE 3 Regulations 10, 11(1), (2) and (5) and 18(1), (2) and (4)(*b*)

Terms and conditions

Transfer of awards

1.—(1) An award shall be transferred by the board at the request of the student so as to be held in respect of attendance at a course other than that in respect of which it is held where—

(a) subject to sub-paragraph (2), on the recommendation of the academic authority, the student commences to attend another course at the institution;

(b) subject to sub-paragraph (2), with the written consent of the academic authorities of both institutions concerned, given on educational grounds the student commences to attend a course at another institution;

(c) after commencing a course for the Certificate in Education, the student is, on or before the completion of that course, admitted to a course for the degree of Bachelor of Education;

(d) after commencing a course for the degree (other than an honours degree) of Bachelor of Education, the student is, on or before the completion of that course, admitted to a course for the honours degree of Bachelor of Education; or

(e) after commencing a course for a first degree (other than an honours degree) the student is, before the completion of that course, admitted to a course for an honours degree in the same subject or subjects at the institution.

(2) A board may refuse to transfer an award in pursuance of sub-paragraph 1(*a*) or (*b*) if, after consulting the academic authority concerned, it is satisfied that when the student requested such transfer he did not intend to complete the course to which his request related.

(3) For the purposes of the duty of a board to transfer an award in pursuance of sub-paragraph (1)(*c*) or (*d*) it shall be immaterial whether or not the two courses are provided by the same institution.

Conditions relating to applications

2.—(1) Subject to sub-paragraphs (2) and (3) an award shall be subject to the conditions that—

(a) an application in respect thereof shall be made in writing and shall reach the board not later than four months after the date of the beginning of the year of the course; and

(b) the applicant furnishes the board with a written undertaking that, where provisional or other payments made in pursuance of the award in respect of a year exceed (for whatever

reason) the amount of the award payable in respect of that year, he will, if called upon so to do, repay the excess amount; and

(c) the applicant if so required by the board will provide it from time to time with such information as it may consider necessary for the exercise of its functions under Part II of these Regulations.

(2) An application shall be treated as having reached the board as required by sub-paragraph (1)(*a*) where—

(a) to the knowledge of the board the application has so reached another board;

(b) not later than four months after the date of the beginning of the course that course has not become a specified course and the application reaches the board not later than four months after the date on which that course becomes a specified course;

(c) in the case of a person who becomes a European student as the result of the accession of the State of which he is a national to the European Community the application reaches the board not later than four months after the date of the accession;

(d) in the case of a refugee, or the spouse or child of a refugee, the application reaches the board not later than four months after the date on which the refugee was recognised as a refugee; or

(e) having regard to the circumstances of the particular case, the board considers it should be so treated.

(3) Where the applicant is a minor, any reference in sub-paragraph (1)(*b*) to the applicant shall be construed as including his parent.

Termination and extension of awards

3.—(1) Subject to sub-paragraphs (2) to (4), an award shall terminate on the expiry of the period ordinarily required to complete the course in respect of which it is made or to which it is transferred in pursuance of paragraph 1(1).

(2) If the academic authority refuses to allow the student to complete his course, the board shall terminate the award forthwith.

(3) If the student does not complete his course within the period ordinarily required, the board—

(a) may extend the award until he has completed the course; and

(b) shall extend the award for a period equivalent to any period in respect of which it has made any payment under regulation 16(1).

(4) The board may extend an award to enable a student to follow an associated course of study during or at the end of the course in respect of which he holds an award.

(5) The board may, after consultation with the academic authority, terminate an award if it is satisfied that the student has either—

(a) abandoned the course in respect of which he holds the award and the award does not fall to be transferred in pursuance of paragraph 1(1); or

(b) shown himself by his conduct to be unfitted to hold an award.

Supplementary provisions

4.—(1) If, after consultation with the academic authority concerned, a board is of the opinion that the attendance, conduct or progress of a student in relation to a course is not satisfactory, it may suspend or terminate an award held by him in respect of that course, or withhold or reduce any payment normally due in respect of that award.

(2) If, in the case of a student who is required to provide information in accordance with paragraph 2(1)(*c*), the board is satisfied that he has wilfully failed to comply with any such requirement or has provided information which he knows to be false in a material particular, or has recklessly provided information which is false in a material particular, the board may terminate the award or withhold any payments due under the award as it sees fit.

SCHEDULE 4

Regulation 3(1) and paragraph 1(*d*) of Schedule 1

PART I

COLLEGES PROVIDING LONG-TERM RESIDENTIAL COURSES OF FULL-TIME EDUCATION FOR ADULTS

Coleg Harlech, Harlech

Co-operative College, Loughborough

Fircroft College, Birmingham

Hillcroft College, Surbiton

Institute of Continuing Education of the University of Ulster, Magee University College, Londonderry

Newbattle Abbey, Dalkeith

Northern College, Barnsley

Plater College, Oxford

Ruskin College, Oxford

PART II

RELEVANT INSTITUTIONS OF HIGHER EDUCATION IN THE REPUBLIC OF IRELAND

All Hallows College, Drumcondra

Church of Ireland College of Education, Dublin

Colaiste Mhuire, Marino, Dublin

Dublin Institute of Technology

Dun Laoghaire College of Art, Design and Technology

Froebel College of Education, Sion Hill, Co Dublin

Institute of Technology, Athlone

Institute of Technology, Blanchardstown

Institute of Technology, Carlow

Institute of Technology, Cork

Institute of Technology, Dundalk

Institute of Technology, Galway/Mayo

Institute of Technology, Letterkenny

Institute of Technology, Limerick

Institute of Technology, Sligo

Institute of Technology, Tallaght

Tipperary Rural and Business Development Institute

Institute of Technology, Tralee

Mary Immaculate College of Education, Limerick

Mater Dei Institute of Education, Dublin

Milltown Institute of Theology and Philosophy, Dublin

Montessori College, (A.M.I.), Mount St Mary's, Dublin

National College of Art and Design, Dublin

National University of Ireland, Maynooth

National College of Ireland, Dublin

Pontifical University of Maynooth

Royal College of Surgeons in Ireland

St Angela's College, Lough Gill, Sligo

St Catherine's College, Sion Hill, Co Dublin

St Patrick's College, Carlow

St Patrick's College of Education, Drumcondra, Dublin

Waterford Institute of Technology

SCHEDULE 5

Regulations 3 and 11(1)(*a*)

Fees

The fees referred to in regulation 11 are the aggregate of any fees payable by the student in respect of, or otherwise in connection with, his attendance on the course, including admission, tuition and graduation fees, but excluding fees payable—

(a) to an institution for awarding or accrediting any qualification where the institution does not provide the whole or part of the course and is not a publicly-funded institution;

(b) for board and lodging;

(c) for field trips (including any tuition element of such fees); and

(d) for attending any graduation or other ceremony,

subject to the following maxima:

(i) in the case of a course not covered by any other sub-paragraph, £1,050 but where the final year of a course ordinarily required to be completed after less than 15 weeks' attendance, £520;

(ii) for courses undertaken at a university or relevant institution of higher education in the Republic of Ireland:

(a) £2,770 in the case of a course with a substantial laboratory or workshop component, or a course leading to the Postgraduate Certificate in Education, or the pre-clinical elements of courses in medicine, dentistry and veterinary science;

(b) £4,985 in the case of the clinical training elements of courses in medicine, dentistry and veterinary science;

(c) £1,855 in the case of a course which is not covered by sub-paragraph (*a*) or (*b*);

(iii) subject to sub-paragraph (iv), in respect of courses at institutions which are neither maintained nor assisted by grants paid out of public funds, £985;

(iv) in the case of a course at the University of Buckingham, four instalments of £615, in the case of a course at the Guildhall School of Music, three instalments of £1,260, in the case of a course at Heythrop College, three instalments of £620, and in the case of the Royal Agricultural College, three instalments of £575;

(v) where during the year of a course which is described in the definition of "course of initial teacher training" in regulation 3(1), any periods of full-time study are in aggregate less than 10 weeks, £520;

(vi) where during the year of a sandwich course any periods of full-time study are in aggregate less than 10 weeks, £520;

(vii) where during the year of an international course the periods of full-time study at the institution in the United Kingdom or the Republic of Ireland are in aggregate less than 10 weeks, £520;

(viii) in respect of the final year of a course referred to in sub-paragraph (iv) which is ordinarily required to be completed before the first, the second or in the case of a course at the University of Buckingham, the third of the dates 1st January, 1st April, 1st July and 1st September which follow the beginning of that year, the first, the first two, or the first three of the instalments which would be payable respectively if this paragraph did not apply;

(ix) in respect of not more than one academic year of a course referred to in sub-paragraph (vi) or (vii) where the periods of full-time study at the institution in the United Kingdom or the Republic of Ireland are 10 weeks or more, but in respect of that year and any previous such years the aggregate of any one or two periods of attendance which are not periods of full-time study at the institution (disregarding intervening vacations) exceeds 30 weeks, or where the institution is the University of Oxford or Cambridge, 25 weeks, £520;

(x) in the case of a full-time course at the Union Theological College, Belfast, the Edgehill College, Belfast, the Irish Baptist College, Belfast, or the Belfast Bible College, Belfast, the degrees of Bachelor of Divinity, Bachelor of Theology or the Diploma in Theology at Queen's University, Belfast, a first and second instalment of £618 and a third instalment of £619.

SCHEDULE 6

Regulations 3(1), 12, 14(2) and Schedule 7

Requirements

PART I

ORDINARY MAINTENANCE

1.—(1) The requirements of the student referred to in regulation 12(1)(*a*) shall include his requirement for ordinary maintenance during—

(a) any period while he is attending the course; and

(b) the Christmas and Easter vacations;

and the amount of such requirement ("ordinary maintenance requirement") shall be determined in accordance with this Part.

(2) Where a student's ordinary maintenance requirements are different in respect of different parts of a year, his ordinary maintenance requirement for that year shall be the aggregate of the proportionate parts of those differing requirements.

2.—(1) This paragraph shall apply in the case of—

(a) any student who does not reside at his parents' home; and

(b) any student residing at his parents' home whose parents by reason of age, incapacity or otherwise cannot reasonably be expected to support him and in respect of whom the board is satisfied that in all the circumstances the ordinary maintenance requirements specified herein would be appropriate.

(2) In the case of such a student the ordinary maintenance requirement shall be £1,900 except that—

(a) where he is attending a course at the University of London or at an institution within the area comprising the City of London and the Metropolitan Police District, it shall be £2,335; and

(b) where he is attending, for at least eight weeks and as a necessary part of his course, an overseas institution, it shall (notwithstanding anything in paragraph (*a*)) be—

£3,580 if the country concerned is a higher-cost country;

£2,720 if the country concerned is a high-cost country; and

£1,900 in any other case.

3. In the case of any other student the ordinary maintenance requirement shall be £1,555.

PART II

SUPPLEMENTARY MAINTENANCE, ETC

4. The requirements referred to in regulation 12 shall include the student's requirements—

(a) for supplementary maintenance in the cases and for the periods mentioned in paragraphs 5, 6 and 10; and

(b) in respect of such expenditure as is mentioned in paragraphs 7 to 9;

and the amount of any such requirement ("supplementary requirement") shall be determined in accordance with this Part.

5.—(1) This paragraph shall apply in the case of a student who having, in any academic year, attended his course—

(a) in the case of a course provided at the University of Oxford or the University of Cambridge, for a period of 25 weeks 3 days; or

(b) in the case of any other course, for a period of 30 weeks 3 days,

in that year attends a course so provided for a further period ("the excess period").

(2) In respect of each week and any part of a week comprised in the excess period the supplementary requirement shall be—

(a) in the case of a student residing at his parents' home, £45;

(b) in the case of any other student, £65 except that—

(i) where he is attending a course at the University of London or at an institution within the area comprising the City of London and the Metropolitan Police District, it shall be £86;

(ii) where he is attending, for at least eight weeks and as a necessary part of his course, an overseas institution, it shall (notwithstanding anything in sub-paragraph (i)) be—

£121 if the country concerned is a higher-cost country;

£93 if the country concerned is a high-cost country; and

£65 in any other case.

6.—(1) This paragraph shall apply in the case of a student who attends at his course for a period of not less than 45 weeks in any continuous period of 52 weeks.

(2) In respect of each aggregate period of a complete week for which he does not attend at his course in the period of 52 weeks in question, the student's supplementary requirement shall be determined in accordance with paragraph 5(2).

7.—(1) This paragraph shall apply in the case of a student who is obliged to incur reasonable expenditure—

(a) in the case of a student attending a course in medicine, dentistry or nursing, a necessary part of which is a period of study by way of clinical training, for the purpose of attending in connection with his course any hospital or other premises in the United Kingdom (not comprised in the institution) at which facilities for clinical training are provided, but not incurred for the purpose of residential study away from the institution;

(b) within or outside the United Kingdom for the purpose of attending for a period of at least eight weeks and as a necessary part of his course, an overseas institution.

(2) The student's supplementary requirement in respect of such expenditure shall be the amount of such expenditure less £255.

(3) For the purposes of this paragraph any reference to expenditure incurred for the purpose of attending an institution or period of study—

(a) includes expenditure both before and after so attending; and

(b) does not include any expenditure specified in paragraph 9.

8.—(1) This paragraph shall apply in the case of a student who reasonably incurs any expenditure in insuring against liability for the cost of medical treatment provided outside the United Kingdom for any illness or bodily injury contracted or suffered during a period of study outside the United Kingdom which is a necessary part of the student's course.

(2) The student's supplementary requirement in respect of such expenditure shall be the amount reasonably incurred.

9.—(1) This paragraph shall apply in the case of a disabled student where the board is satisfied that by reason of his disability he is obliged to incur additional expenditure in respect of his attendance at the course.

(2) The student's supplementary requirements shall be such amounts as the board considers appropriate—

(a) in respect of a non-medical personal helper not exceeding £10,505;

(b) in respect of major items of specialist equipment not exceeding £4,155 in total for the duration of his course;

(c) in respect of expenditure incurred—

(i) within the United Kingdom or the Republic of Ireland, for the purposes of attending the institution;

(ii) within or outside the United Kingdom for the purpose of attending, as a necessary part of his course, any period of study at an overseas institution;

(d) in respect of any other expenditure including expenditure incurred for the purposes specified in paragraphs (*a*) and (*b*) which exceed the maxima specified therein not exceeding £1,385.

10.—(1) This paragraph shall apply in the case of a student—

(a) who is under the age of 21 on the first day of the course;

(b) in respect of whom a parental contribution is not applicable in accordance with Part II of Schedule 7 because he has pursuant to an order of a competent court been in the custody or care of or has been provided with accommodation as described in paragraph 3(*c*) of that Schedule; and

(c) who in the opinion of the board is subject to greater financial hardship by reason of having been in custody, care or having been provided with accommodation as mentioned in paragraph (*b*) than he would have been if he had not been in custody, care or having been provided with accommodation.

(2) The student's supplementary requirement shall be such amount as the board in all the circumstances considers appropriate not exceeding £100 for each week or part of a week which—

(a) falls within the longest vacation taken; and

(b) during no part of which week the student attends his course.

PART III

MAINTENANCE OF DEPENDENTS

11.—(1) The requirements referred to in regulation 12(1)(*a*) shall include the student's requirements for the maintenance of dependants during the year and the amount of any such requirement ("dependants' requirement") shall be determined in accordance with this Part.

(2) Where a student's requirements for the maintenance of dependants are different in respect of different parts of a year, his dependants' requirement for that year shall be the aggregate of the proportionate parts of those differing requirements.

12.—(1) In this Part—

"adult dependant" means, in relation to a student, an adult person dependent on the student not being his child, his spouse or a person living with him as his spouse or his former spouse, subject however to sub-paragraphs (2) and (3);

"child", in relation to a student, includes a person adopted in pursuance of adoption proceedings, a step-child and any child for whom the student has parental responsibility and who is dependent on him;

"dependant" means, in relation to a student, his dependent child, his spouse or an adult dependant, subject however to sub-paragraphs (2) and (3);

"income" means income for the year from all sources (reduced by income tax and social security contributions) but disregarding—

(a) any pension, allowance or other benefit paid by reason of a disability or incapacity to which the person is subject which is not subject to income tax under the Income Tax Acts

or, where the income is subject to the tax legislation of another member State, which would not be subject to tax under that legislation if it made provision equivalent to those Acts;

(b) child benefit payable under Part IX of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**26**);

(c) any allowance payable to his spouse by an adoption agency in accordance with regulations made in pursuance of Article 59A of the Adoption (Northern Ireland) Order 1987(**27**);

(d) any guardian's allowance to which his spouse is entitled under section 77 of the Contributions and Benefits (Northern Ireland) Act 1992;

(e) in the case of a spouse with whom a child in the care of a Health and Social Services Board or a Health and Social Services Trust(**28**) is boarded out, any payment made to him in pursuance of Article 27 (2)(*a*) of the Children (Northern Ireland) Order 1995(**29**);

(f) any payments made to his spouse in pursuance of an order made under Article 15 of and Schedule 1 to the Children (Northern Ireland) Order 1995, or any assistance given by a Health and Social Services Board or a Health and Social Services Trust pursuant to Articles 35 and 36 of that Order, in respect of a person who is not the spouse's child;

(g) where the spouse holds an award in respect of a course of teacher training specified in paragraph (*c*) in the definition of "course of initial teacher training" in regulation 3(1), being a part-time course or a course which is partly full-time and partly part-time, the payments in respect of maintenance made to the spouse in pursuance of regulation 11(1)(*b*) or so much of those payments as relates to the part-time part of the course;

(h) where the spouse or the student makes any recurrent payments which were previously made by the student in pursuance of an obligation incurred before the first year of his course—

(i) if, in the opinion of the board, the obligation had been reasonably so incurred, an amount equal to the payment in question;

(ii) if, in its opinion, only a lesser obligation could have been reasonably so incurred, such correspondingly lesser amount (if any) as appears to it appropriate;

"relevant award" means a statutory award in respect of a person's attendance at—

(a) a full-time course of higher education or a comparable course outside Northern Ireland;

(b) a course of teacher training specified in paragraph (*b*) in the definition of "course of initial teacher training" in regulation 3(1);

(c) the full-time part of a course of teacher training specified in paragraph (*c*) in the definition of "course of initial teacher training" in regulation 3(1), which is partly full-time and partly part-time;

"spouse", except in the definition of adult dependant, shall not include a student's spouse if they have ceased ordinarily to live together whether or not an order for their separation has been made by any court.

(2) A person, including the student's spouse, shall not be treated as a dependant of the student during any period for which that person—

(**26**) 1992 c. 7

(**27**) S.I. 1987/2203 (N.I. 22); Article 59A was inserted by paragraph 164 of Schedule 9 to the Children (Northern Ireland) Order 1995 (S.I. 1995/775 (N.I. 22)); the relevant Regulations are S.R. 1996/438

(**28**) Health and Social Services Trust (HSST) means an HSS trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I. 1)) by which functions are exercisable by virtue of an authorisation for the time being in operation under Article 3(1) of the Health and Personal Social Services (Northern Ireland) Order (S.I. 1994/429 (N.I. 2))

(**29**) S.I. 1995/755 (N.I. 2)

(a) holds a relevant award; or

(b) (save for the purposes of paragraph 15) is ordinarily living outside the United Kingdom.

(3) A person shall not be treated as a student's adult dependant or as his dependant child—

(a) in the case of a person other than a child of the student, if his income exceeds by £930 or more the sum specified in paragraph 13(4)(*a*);

(b) in the case of a child of a student who either has a spouse who is, or but for sub-paragraph (2) would be, his dependant or has an adult dependant, if the child's income so exceeds the sum specified in paragraph 13(4)(*b*) as applicable to his age;

(c) in the case of a child of a student not falling within head (*b*), unless either—

(i) the child is the only or eldest child dependent on the student whose income does not so exceed the sum specified in paragraph 13(4)(*a*); or

(ii) the child's income does not so exceed the sum specified in paragraph 13(4)(*b*) as applicable to his age.

13.—(1) This paragraph shall apply in the case of all students with dependants.

(2) Subject to paragraphs 14 to 16, the dependants requirement of the student shall be—

(a) if the student's spouse holds a statutory award and in calculating payments under it account is taken of the spouse's dependants requirement, one half of the amount determined in accordance with sub-paragraphs (3) and (4);

(b) in any other case, the whole of the amount so determined.

(3) The amount referred to in sub-paragraph (2) shall be the amount which is X−(Y−Z) where—

(a) X is the aggregate of the relevant sums specified in sub-paragraph (4);

(b) Y is the aggregate of the income of the student's dependants;

(c) Z is so much of the sum ascertained by multiplying £930 by the number of his dependants as does not exceed Y.

(4) The relevant sums referred to in sub-paragraph (3) are—

(a) except where the student has a spouse who is the holder of a relevant award, £2,125; and

(b) in respect of each dependent child—

(i) under the age of 11 years immediately before the beginning of the academic year, or born during that year, £445;

(ii) then aged 11 years or over, but under 16, £890;

(iii) then aged 16 years or over, but under 18, £1,180;

(iv) then aged 18 years or over, £1,700,

except that the only or eldest dependent child shall be disregarded for the purposes hereof if the student has neither an adult dependant nor a spouse who is, or but for paragraph 12(2) would be, a dependant.

14.—(1) Subject to sub-paragraph (3), this paragraph shall apply in the case of a student with a dependent child where an amount is included in respect of the child in determining the dependants requirement under paragraph 13 and the child is either—

(a) aged 3 or 4 during the relevant school year, or

(b) attends a grant-aided school during the relevant school year.

(2) The dependants requirement of the student (determined in accordance with paragraph 13(2)(*a*) or (*b*)), shall be increased by—

(a) £245 for each dependent child (whether or not he attends a grant-aided school) aged 3 or over on 31st December in the relevant school year, but under the age of 11 immediately before the beginning of the relevant school year;

(b) £163 for each dependent child (whether or not he attends a grant-aided school) whose 3rd birthday falls after 31st December but on or before 31st March in the relevant school year ;

(c) £81 for each dependent child (whether or not he attends a grant-aided school) whose third birthday falls after 31st March but before the end of the relevant school year;

(d) £265 for each dependent child of compulsory school age who is aged 11 or over immediately before the beginning of the relevant school year.

(3) Paragraph (1) shall not apply where the dependent child receives school meals free of charge under arrangements approved by the Department of Education in accordance with Articles 58 and 59 of the Order.

(4) In this paragraph—

"grant-aided school" has the meaning assigned to it by the Order;

"relevant school year" means:

(a) in the case of a child who attends a grant-aided school, the school year whose beginning is closest to the beginning of the academic year in respect of which the dependants requirement under this Part is being assessed; and

(b) in the case of a child aged 3 or 4 who does not attend such a school, the period of twelve months beginning on 1st September, falling closest to the beginning of the academic year in respect of which the dependants requirement under this Part is being assessed; and

"school year" means the period from 1st August to 31st July.

15.—(1) This paragraph shall apply in the case of a student with dependants who maintains a home for himself and a dependant at a place other than at which he resides while attending the course.

(2) The student's dependants requirement (determined in accordance with paragraph 13(2)(*a*) or (*b*)) shall be increased by £740.

16.—(1) This paragraph shall apply in the case of a student who maintains a dependant outside the United Kingdom.

(2) Notwithstanding anything in the foregoing paragraphs of this Part, the student's dependants requirement shall be such amount, if any, as the board considers reasonable in all the circumstances, not exceeding the amount determined in accordance with those paragraphs.

PART IV

OLDER STUDENTS

17. This Part shall apply in the case of a student who attained the age of 26 years before the first year of the course in respect of which his award was originally made and who—

(a) started the course before 1st September 1995 and in the three years immediately preceding the first year of the course earned or received by way of such unemployment benefit, or income support as is chargeable to income tax under section 617 or 151 respectively of the Income and Corporation Taxes Act 1988(**30**) sums totalling at least £12,000; or

(b) started the course before 1st September 1995, held an award in respect of his attendance at a previous course and had earned or received such sums as are mentioned at sub-

(**30**) 1988 c. 1

paragraph (*a*) in the three years immediately preceding the first year of that previous course; or

(c) started the course on or after 1st September 1995, immediately before starting that course (disregarding any intervening vacation) attended a full-time course of further or higher education which he had started before 1st September 1995 and had earned or received such sums as are mentioned at sub-paragraph (*a*) in the three years immediately preceding the first year of that previous course.

18. In relation to a student to whom this Part applies, the requirements referred to in regulation 12(1)(*a*) shall, in addition to the ordinary maintenance requirement, include where at the beginning of the first year of his course—

(a) he was aged 26 years, the sum of £360;

(b) he was so aged 27 years, the sum of £625;

(c) he was so aged 28 years, the sum of £930;

(d) he was so aged 29 or more years, the sum of £1,225.

PART V

INTERPRETATION OF PARTS I TO IV

19. In this Schedule—

(a) a reference to the home of the student's parents shall be construed, in the case of a student whose spouse attends a full-time course at any institution, as including a reference to the home of the parents of the student's spouse; and

(b) a reference to a requirement, expenditure or attendance in respect of which no period of time is specified shall be construed as a reference to a requirement, expenditure or attendance for the year.

20.—(1) For the purposes of this Schedule, attendance at an institution or the undertaking of a period of study is a necessary part of a student's course only where the board is satisfied that if the student did not attend the institution or undertake the period of study, he would not be eligible to complete his course and, for the purpose of being so satisfied, the board may require the matter to be evidenced by a certificate given by the academic authority.

(2) For the purposes of this paragraph, "institution" includes an "overseas institution".

SCHEDULE 7

Regulations 12(1)(b) 12(3) and 14(2)

Resources

PART I

STUDENT'S INCOME

Calculation of student's income

1.—(1) In calculating the student's income for the purposes of regulation 12(1)(*b*) there shall be taken into account his income (reduced by income tax and social security contributions) from all

sources, and any payment referred to in paragraph (*b*), whether or not it is income, but there shall be disregarded the following—

(a) in a case not covered by paragraph (*u*), the first £840 of income of any description;

(b) the first £3,960 of any payment by way of—

(i) an award made to the student in respect of the course (in pursuance of a sponsorship scheme or otherwise) not being an award made in pursuance of Article 50 or 51; and

(ii) in the case of a student released by his employer to attend the course, any payments made by that employer;

(c) any grant to facilitate teacher training paid to the student under regulations made under section 50(1) of the Education (No. 2) Act 1986(**31**) or any payment made in respect of the student's training as a teacher by an institution to which grants, loans or other payments for that purpose are provided under section 5 of the Education Act 1994(**32**) or under section 65(3) of the Further and Higher Education Act 1992(**33**);

(d) in the case of a student for whose benefit any income is applied or any payments are required to be applied as described in paragraph 5(5)—

(i) the whole of that income or those payments if a parental contribution ascertained in accordance with Part II or a spouse's contribution ascertained in accordance with Part III is applicable (at whatever amount including nil that contribution is ascertained to be);

(e) any pension, allowance or other benefit paid by reason of a disability or incapacity to which the student is subject and any war widow's or war widower's pension;

(f) any bounty received as a reservist with the armed forces or in the Royal Irish Regiment or in the Royal Ulster Constabulary Reserve;

(g) remuneration for work done during any academic year of the student's course;

(h) in the case of a student in whose case a parental contribution is by virtue of Part II applicable (at whatever amount, including nil, that contribution is ascertained to be) any payment which is made under covenant by a parent by reference to whose income that contribution falls to be ascertained;

(i) any payment made for a specific educational purpose otherwise than to meet such fees and such requirements for maintenance as are specified in Schedules 5 and 6;

(j) child benefit payable under Part IX of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**34**);

(k) any allowance payable to the student by an adoption agency in accordance with regulations made pursuant to Article 59A of the Adoption (Northern Ireland) Order 1987(**35**);

(l) any guardian's allowance to which he is entitled under section 77 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;

(m) in the case of a student with whom a child has been placed by a Health and Social Services Board or a Health and Social Services Trust, under Article 27(2)(a) of the Children (Northern Ireland) Act 1992;

(n) any payment made to the student in pursuance of an order made under Article 15 of and Schedule 1 to the Children (Northern Ireland) Order 1995 in respect of a person who is

(**31**) 1986 c. 61: section 50 was amended by the Education Act 1993 (c. 35), section 278(6), Schedule 19, paragraph 102, Schedule 21 Part II, and by the Education Act 1994 (c. 30), section 13(2) to (4)
(**32**) 1994 c. 30
(**33**) 1992 c. 13
(**34**) 1992 c. 7
(**35**) S.I. 1987/2203 (N.I. 22); Article 59A was inserted by paragraph 164 of Schedule 9 to the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 22)); the relevant Regulations are 1996/438

not his child, or any assistance given by a Health and Social Services Board or Health and Social Services Trust pursuant to Articles 35 and 36 of that Order;

(o) income support or family credit or working families' tax credit under Part VII of the Social Security Contributions and Benefits (Northern Ireland) Act 1992; or any transitional addition, personal expenses addition or special transitional addition payable under Part III of the Income Support (Transitional) Regulations (Northern Ireland) 1978(**36**);

(p) any housing benefit granted to the student in pursuance of a statutory or local scheme under Section 122(1)(d) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**37**) or a scheme under Part VII of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**38**);

(q) in a case not covered by paragraph (u), the first £3,185 of any pension, allowance or other benefit payable by reason of the student's old age, his retirement, the death of his spouse or parent or another person on whom he was wholly or mainly financially dependent, or by reason of his military or other public service;

(r) any payments made to the student under the action scheme of the European Community for the mobility of university students known as ERASMUS(**39**), the European Community programme for foreign language competence known as LINGUA(**40**) or the European Community programme known as LEONARDO DA VINCI(**41**);

(s) any payment made to the student out of access funds held by the institution at which he attends his course;

(t) any payments made to the student for the maintenance of his child by virtue of any agreement, instrument or statutory provision;

(u) where a parental contribution does not apply because the student falls within paragraph 3 of this Schedule and a spouse's contribution does not apply under Part III of this Schedule, the first £7,500 of income of any description, other than any sum treated as income under sub-paragraph (6).

(2) Where income may be disregarded under more than one of the sub-paragraphs of paragraph (1) it shall be disregarded under the sub-paragraph or sub-paragraphs which will result in the largest amount of the student's income from all sources being disregarded under paragraph (1).

(3) Where the student is a European student and his income arises from sources or under legislation different from sources or legislation normally relevant to a person who is settled in the United Kingdom within the meaning of the Immigration Act 1971(**42**) his income shall be disregarded in accordance with paragraph (1) but shall be disregarded to the extent necessary to

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(**36**) S.R. 1987 No. 460; Part III was amended by S.R. 1988 Nos. 132 and 153, S.R. 1991 No. 341, S.R. 1992 No. 284 and S.R. 1995 No. 71

(**37**) 1992 c. 7; the scheme under section 122(1)(d) is currently constituted by the provisions of the Housing Benefit (General) Regulations (Northern Ireland) 1987 (S.R. 1987 No.461 as amended by S.R. 1988 Nos. 117, 186, 314 and 424, S.R. 1989 Nos. 125, 260, 366 and 408, S.R. 1990 Nos. 33, 136, 137, 297, 395, 345, 298 and 442, S.R. 1991 Nos. 47, 176, 204, 337 and 520, S.R. 1992 Nos. 6, 35, 85, 141, 201, 284, 298, 404, 435, 444 and 549, S.R. 1993 Nos. 145, 149, 195, 218, 233, 373, 381 and 414, S.R 1994 Nos. 65, 80, 88, 137, 266, 274 and 335, S.R. 1995 Nos. 64, 71, 101, 129, 223, 280, 367, 410 and 481, S.R. 1996 Nos. 11, 73, 84, 92, 93, 111, 115, 181, 221, 291, 334, 375, 405, 448, 476 and 662 and S.R. 1997 Nos. 3, 4, 22, 113, 123, 126, 127, 130, 152 and 170)

(**38**) 1992 c. 4; the scheme under Part VII is currently constituted by the provisions of the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971) as amended by S.I. 1988/661, 909, 1444 and 1971, S.I. 1989/416, 566 and 1017, S.I. 1990/127, 546, 671, 1549, 1657, 1775 and 2564, S.I. 1991/235, 1175, 1599, 2695 and 2742, S.I. 1992/50, 201, 432, 1101, 1326, 1585, 2148 and 3147, S.I. 1993/317, 349, 518, 963, 1150, 1249, 1540 and 2118, S.I. 1994/470, 542, 578, 781, 1003, 1608, 1807, 1924, 2137, 2139 and 3061, 1995/511, 560, 625, 626, 1339 and 1742, S.I. 1995/1644, 2303, 2792, 2868 and 3282, S.I. 1996/30, 194, 462, 965, 1510, 1759, 1803, 1944, 2006, 2432, 2518, 2545 and 3195 and S.I. 1997/65, 454, 543, 584 and 582

(**39**) O.J. No. L166, 25.6.87, p. 20

(**40**) O.J. No. L239, 16.8.89, p. 24

(**41**) O.J. No. L340, 29.12.94, p. 8

(**42**) 1971 c. 77; amended by the British Nationality Act 1981 c. 61, section 39 and Schedule 4, by the Immigration Act 1988 (c. 14), sections 1, 3, 4, 6 and 10 and the Schedule, by the Asylum and Immigration Appeals Act 1993 (c. 23), sections 10 to 12

ensure that he is treated no less favourably than a person in similar circumstances in receipt of similar income who is settled in the United Kingdom.

(4) Where a student makes any payment for the maintenance of his child or former spouse or person who lived with him as his spouse by virtue of any agreement, instrument or enactment, the amount of such payment shall be deducted in calculating his income for the purposes aforesaid.

(5) In the case of a student who makes any payment in pursuance of an obligation incurred before the first year of his course, in calculating his income for the purposes of regulation (12) (1)(*b*) there shall be deducted therefrom—

(a) if, in the opinion of the board, the obligation had been reasonably so incurred, an amount equal to the payment in question;

(b) if, in its opinion, only a lesser obligation could have been reasonably so incurred, such correspondingly lesser amount (if any) as appears to it appropriate,

except that no deduction shall be made from the income of a married student where the student's spouse is a dependant for the purposes of Part III of Schedule 6 and, in pursuance of paragraph 14(1) of that Schedule, the payment is taken into account in determining the spouse's income.

(6) In a case where the student is the parent or step-parent of an award holder in respect of whom a contribution is ascertained under Part II so much of the amount (if any) by which the contribution is reduced under paragraph 4(3) of that Part as the board considers just shall be treated as part of the student's income for the purposes of regulation 12(1)(*b*).

(7) Where the student receives income in a currency other than sterling the value of the income shall be—

(a) if the student purchases sterling with the income the amount of sterling the student receives for it, otherwise

(b) the value of the sterling which the income would purchase using the rate for the month in which it is received as published by the Office for National Statistics in "Financial Statistics".

PART II

PARENTAL CONTRIBUTION

Interpretation of Part II

2.—(1) In this Part—

"child" includes a person adopted in pursuance of adoption proceedings and a step-child but, except in paragraph 4, does not include a child who holds a statutory award; and except as otherwise provided by paragraph 5, "parent" shall be construed accordingly;

"financial year" means the period of 12 months for which the income of the student's parent is computed for the purposes of the income tax legislation which applied to it;

"gross income" has the meaning assigned to it by paragraph 5;

"income of the student's parent" means the taxable income of the parent from all sources computed as for the purposes of the Income Tax Acts or as for the purposes of the income tax legislation of another member State of the European Community which applies to the parent's income, or where the legislation of more than one member State applies in respect of the same period, as for the purposes of the legislation pursuant to which the board considers that the parent will pay the largest amount of tax in that period, except as otherwise provided by paragraph 5 or 6;

"residual income" means, subject to sub-paragraph (2), the balance of gross income remaining in any year after the deductions specified in paragraph 6 have been made.

(2) Where, in a case not falling within paragraph 5(3) or (4), the board is satisfied that the income of the parent in any financial year is as a result of some event beyond his control likely to be, and to continue after that year to be, not more than 85% of his income in the financial year preceding that year, it may, for the purpose of enabling the student to attend the course without hardship, ascertain the parental contribution for the year of his course in which that event occurred by taking as the residual income the average of the residual income for each of the financial years in which that year falls.

(3) Where the student's parent satisfies the board that his income is wholly or mainly derived from the profits of a business or profession carried on by him, then if the board and the parent so agree, any reference in this Part to a financial year shall be construed as a reference to a year ending with such date as appears to the board expedient having regard to the accounts kept in respect of that business or profession and the periods covered thereby.

(4) Where a parent is in receipt of any income which does not form part of his taxable income by reason only that—

(a) he is not resident, ordinarily resident or domiciled in the United Kingdom, or where the parent's income is computed as for the purposes of the income tax legislation of another member State of the European Community, not so resident, ordinarily resident or domiciled in that member State;

(b) the income does not arise in the United Kingdom, or where the parent's income is computed as for the purposes of the income tax legislation of another member State, does not arise in that member State; or

(c) the income arises from an office, service or employment, income from which is exempt from tax in pursuance of any legislation,

his income for the purposes of this Part shall be computed as though the income first mentioned in this sub-paragraph were part of his total income.

(5) Where the income of the student's parent is computed as for the purposes of the income tax legislation of another member State—

(a) it shall be computed in the currency of that member State;

(b) the value of any deduction mentioned in paragraph 6(2) shall be the amount of that currency required to purchase the sterling value of the deduction; and

(c) the value of the sterling which the income of the student's parent in that currency would purchase shall be determined, and shall constitute the income of the student's parent for the purposes of this Part.

(6) The rate applied in determining the sterling value of another currency under paragraph (5) shall be the rate for the month in which the last day of the financial year in question falls as published by the Office for National Statistics in "Financial Statistics".

Application of Part II

3. A parental contribution ascertained in accordance with this Part shall be applicable in the case of every student except—

(a) an independent student; or

(b) a student in respect of whom the board is satisfied either—

(i) that his parents cannot be found; or

(ii) that it is not reasonably practicable to get in touch with them;

(c) a student who pursuant to an order of a competent court has been in the custody or care of or has been provided with accommodation by—

(i) a state authority or agency, national, regional or local;

(ii) a voluntary or charitable organisation; or

(iii) any person who is not the student's parent

throughout any three month period ending on a date on or after the date on which he attains the age of 16 and before the first day of his course; provided that he has not at any time from the beginning of the three month period to the first day of his course in fact been under the charge or control of his parents;

(d) a student whose parents are residing outside the European Community where the board is satisfied either—

(i) that the assessment of a parental contribution would place those parents in jeopardy; or

(ii) that it would not be reasonably practicable for those parents to send any such contribution to the United Kingdom;

(e) where sub-paragraph (7) of paragraph 5 applies and the parent whom the board considered the more appropriate for the purposes of that sub-paragraph has died.

Parental contribution

4.—(1) The parental contribution shall, subject to sub-paragraphs (2), (3) and (4) be—

(a) in any case in which the residual income is £17,805 or more but less than £22,755, £45 with the addition of £1 for every complete £13 by which it exceeds £17,805; and

(b) in any case in which the residual income is £22,755 or more but less than £33,450, £425 with the addition of £1 for every complete £9·20 by which it exceeds £22,755; and

(c) in any case in which the residual income is £33,450 or more £1,587 with the addition of £1 for every complete £7·50 by which it exceeds £33,450,

reduced in each case, in respect of each child of the parent (other than the student) who is wholly or mainly dependent on him on the first day of the year for which the contribution falls to be ascertained, by £77; and in any case in which the residual income is less than £17,805 the parental contribution shall be nil.

(2) The amount or (where a contribution is ascertained in respect of more than one child of the parent) the aggregate amount of the parental contribution shall not exceed £6,437 in any case.

(3) For any year in which a statutory award is held by—

(a) more than one child of the parent;

(b) the parent; or

(c) the student's step-parent,

the parental contribution for the student shall be such proportion of any contribution ascertained in accordance with this Part as the board (after consultation with any other board or local education authority in Great Britain concerned) considers just, provided that where a contribution is ascertained in respect of more than one child of the parent the aggregate amount of the contributions in respect of each shall not exceed the amount of the contribution that would be ascertained if only one child held an award.

Gross income

5.—(1) For the purposes of this paragraph, "preceding financial year" means the financial year immediately preceding the year in respect of which the resources of the student fall to be assessed "assessment year" and "current financial year" means the financial year which includes the first day of that assessment year; provided that where references to a financial year fall to be construed in accordance with paragraph 2(3) as references to a year ending with a date less than five months before the assessment year, "preceding financial year" shall mean the year ending with a date five or more months before the beginning of that assessment year and "current financial year" shall mean the year ending with a date within those five months.

(2) Subject to the provisions of this paragraph, "gross income" means the income of the student's parent in the preceding financial year or, for the purpose of calculating residual income under paragraph 2(2), in a financial year there mentioned.

(3) Where the board is satisfied that the sterling value of the income of the student's parent in the current financial year is likely to be not more than 85 per cent of the sterling value of his income for the preceding financial year, it may for the purpose of calculating the parental contribution ascertain the gross income by reference to the current financial year; and, in such case, sub-paragraph (2) shall have effect, in relation to the assessment year and, if the board so determines, any subsequent year, as if the reference therein to the preceding financial year were a reference to the current financial year.

(4) Where—

(a) one of the student's parents dies either before or during the assessment year; and

(b) that parent's income has been or would be taken into account for the purpose of determining the parental contribution,

the parental contribution shall—

(c) where the parent dies before the assessment year, be determined by reference to the income of the surviving parent; or

(d) where the parent dies during the assessment year, be the aggregate of—

(i) the appropriate proportion of the contribution determined by reference to the income of both parents, that is to say such proportion thereof as the part of the assessment year during which both parents were alive bears to the full year, subject to a maximum of the same proportion of the student's maintenance requirement as determined in accordance with Schedule 6; and

(ii) the appropriate proportion of the contribution determined by reference to the income of the surviving parent, that is to say such proportion thereof as the part of the assessment year remaining after the parent dies bears to the full year, subject to a maximum of the same proportion of the student's maintenance requirements as determined in accordance with Schedule 6.

(5) Without prejudice to sub-paragraph (6), where, in pursuance of any trust deed or other instrument or by virtue of any applicable legislation any income is applied by any person for or towards the maintenance, education or other benefit of the student or of any person dependent on the student's parent, or payments made to his parent are required to be so applied, that income, or those payments, shall be treated as part of the gross income of the parent.

(6) Where any award such as is mentioned in paragraph 1(1)(*b*)(i) is made by reason of the parent's employment to any member of his family or his household (whether the student or some other such member) who holds a statutory award then that award shall not be treated as part of the gross income of the parent.

(7) Where the parents do not ordinarily live together throughout the assessment year, the parental contribution shall be determined by reference to the income of whichever parent the board considers the more appropriate in the circumstances.

(8) Where the parents do not ordinarily live together for part only of the assessment year, the parental contribution shall be the aggregate of—

(a) the proportion, which the part of the assessment year for which the parents do not so live together bears to the full year, of the contribution determined in accordance with sub-paragraph (7) subject to a maximum of the same proportion of the student's maintenance requirements as determined in accordance with Schedule 6; and

(b) the proportion, which the part of the assessment year for which the parents so live together bears to the full year, of the contribution determined without regard to sub-paragraph (7) subject to a maximum of the same proportion of the student's maintenance requirements as determined in accordance with Schedule 6.

(9) Where the student has a parent and a step-parent, the parental contribution shall be ascertained by reference to the income of the parent.

Deductions

6.—(1) For the purposes of determining the income of a student's parent (and, accordingly, the parent's gross income), in computing his taxable income as for the purposes of the Income Tax Acts or for the purposes of the income tax legislation of another member State of the European Community any deductions which fall to be made or exemptions which are permitted—

(a) by way of personal reliefs provided for in Chapter I of Part VII of the Income and Corporation Taxes Act 1988, or where the parent's income is computed as for the purposes of the income tax legislation of another member State, any comparable personal reliefs;

(b) in respect of any payment made by the parent under covenant;

(c) in pursuance of any legislation or rule of law with the effect that payments which for the purposes of the law of the United Kingdom are treated as taxable income, are not treated as taxable income; or

(d) without prejudice to the foregoing, of a kind mentioned in sub-paragraph (2), shall not be made or permitted.

(2) For the purpose of determining a parent's residual income there shall be deducted from his gross income—

(a) in respect of any person, other than a spouse, child or holder of a statutory award, dependent on the parent during the year for which the contribution falls to be ascertained, the amount by which £2,250 exceeds the income of that person in that year;

(b) the gross amount of any sums paid as interest (including interest on a mortgage) in respect of which relief is given under the Income Tax Acts in respect of a loan to the parent; or where the parent's income is computed as for the purposes of the income tax legislation of another member State, the gross amount of any such sums in respect of which relief would be given if that legislation made provision equivalent to the Income Tax Acts;

(c) the gross amount of any premium or sum relating to a pension (not being a premium payable under a policy of life assurance) in respect of which relief is given under section 266, 273, 619 or 639 of the Income and Corporation Taxes Act 1988, or where the parent's income is computed as for the purposes of the income tax legislation of another member State, the gross amount of any such premium in respect of which relief would be given if that legislation made provision equivalent to the Income Tax Acts;

(d) where the parents ordinarily live together and one of them is incapacitated, so much of the cost in wages of domestic assistance as does not exceed £1,765;

(e) where a parent whose marriage has terminated either is gainfully employed or is incapacitated, so much of the cost in wages of domestic assistance as does not exceed £1,765;

(f) in respect of additional expenditure incurred by reason of the fact that the parent lives in a place where the cost of living is higher than that cost in the United Kingdom, such sum (if any) as the board considers reasonable in all the circumstances;

(g) in the case of a parent who holds a statutory award, the amount by which the aggregate of his requirements for his ordinary maintenance (ascertained in accordance with Part I of Schedule 6) and £910 exceeds the sum payable in respect of maintenance in pursuance of that award;

(h) any payments made to the parent of the student pursuant to an order of a competent court for the benefit of a child who is not his child of whom he has custody or care or for whom he provides accommodation;

(i) where the parent's income is computed as for the purposes of the income tax legislation of another member State, sums equivalent to any amounts which would not be treated as taxable income if that legislation made provision equivalent to the Income Tax Acts.

(3) In any case where income is computed as for the purposes of the Income Tax Acts by virtue of paragraph 2(4), there shall be deducted from the parent's gross income sums equivalent to the deductions mentioned in head (b), (c), or (d) of sub-paragraph (2), provided that any sums so deducted shall not exceed the deductions that would be made if the whole of the parent's income were in fact total income for the purposes of the Income Tax Acts.

PART III

SPOUSE'S CONTRIBUTION

Application of Part III

7. A spouse's contribution ascertained in accordance with this Part shall be applicable in the case of every man student ordinarily living with his wife and every woman student so living with her husband except—

(a) a student in whose case a parental contribution is applicable in accordance with Part II; and

(b) a student whose child holds an award in respect of which a parental contribution is applicable.

Spouse's contribution

8.—(1) Subject to sub-paragraphs (3) and (4), Part II shall, with the exception of paragraphs 3, 4(1), (2), (3)(*a*) and (*c*), 5(4), (7), (8) and (9) and 6(2)(*f*), apply with the necessary modifications for the ascertainment of the spouse's contribution as it applies for the ascertainment of the parental contribution, references to the parent being construed as references to the student's spouse and this Part shall be construed as one with Part II.

(2) The spouse's contribution shall be—

(a) in any case in which the residual income is £15,070 or more but less than £22,755, £45 with the addition of £1 for every complete £9.80 by which it exceeds £15,070;

(b) in any case in which the residual income is £22,755 or more but less than £33,450, £829 with the addition of £1 for every complete £7·05 by which it exceeds £22,755; and

(c) in any case in which the residual income is £33,450 or more, £2,346 with the addition of £1 for every complete £5·60 by which it exceeds £33,450;

reduced, in any such case, by £77 in respect of each child of the student who is dependent on him or his spouse on the first day of the year for which the contribution falls to be ascertained; and in

any case in which the residual income is less than £15,070 the spouse's contribution shall be nil; provided that the amount of the spouse's contribution shall in no case not exceed £6,437.

(3) If the student marries during any year for which the contribution falls to be ascertained, the contribution for that year shall be the fraction of the sum ascertained in accordance with the provisions of sub-paragraphs (1) and (2) of which the denominator is 52 and the numerator is the number of complete weeks between the date of the marriage and whichever is the earlier of the end of that year and the end of the course.

(4) If the student's marriage terminates during any year for which the contribution falls to be ascertained, the contribution for that year shall be the fraction of the sum ascertained in accordance with sub-paragraphs (1) and (2) of which the denominator is 52 and the numerator is the number of complete weeks between the beginning of that year and the termination of the marriage.

SCHEDULE 8

Regulation 12(3)(*a*)

Single student with dependants

1. This Schedule shall apply in the case of a student who does not ordinarily live with a spouse or with another person as a spouse.

2.—(1) This paragraph shall apply where the student has dependants within the meaning of Part III of Schedule 6.

(2) In the case of such a student—

(a) the sum to be disregarded under paragraph 1(1)(*a*) of Schedule 7 shall be £1,825 instead of £840; or

(b) the requirements under paragraph 13 of Schedule 6 shall be treated as increased by the sum of £1,050; or

(c) in the case of a student to whom Part IV of Schedule 6 applies, his requirements shall be treated as including the sum specified in paragraph 17 of that Schedule,

whichever is the most favourable to him (disregarding head (*b*) where, in pursuance of paragraph 3, he elects as mentioned in that paragraph).

3.—(1) This paragraph shall apply in the case of a student with one or more child dependants under the age of 19 years and for the purpose of this paragraph "child" shall have the same meaning as in Part III of Schedule 6.

(2) Such a student may elect that the sum specified as his requirements in Part III of Schedule 6 shall be disregarded and that instead there shall in calculating his income be disregarded £2,440 in respect of his only or eldest child such as is mentioned in sub-paragraph (1) and £770 in respect of every other such child.

SCHEDULE 9

Regulations 3(1) and 14(2)

Sandwich Courses

1.—(1) In this Schedule—

"modified proportion" means the proportion which the number of weeks in the year in which there are no periods of experience for the student in question bears to 52;

"periods of experience" means, subject to sub-paragraph (2), periods of industrial, professional or commercial experience associated with full-time study at an institution but at a place outside the institution;

"prescribed proportion" means the proportion which the number of weeks in the year for which the student in question attends the institution bears to 30, except that, where that proportion is greater than the whole, it means the whole;

"sandwich course" means a course consisting of alternate periods of full-time study at an institution and periods of experience so organised that, taking the course as a whole, the student attends the periods of full-time study for an average of not less than 19 weeks in each year of the course; and for the purpose of calculating his attendance the course shall be treated as beginning with the first period of full-time study and ending with the last such period;

"sandwich year" means, as respects any student, any year of a sandwich course which includes both periods of full-time study in the institution and periods of experience, other than—

(a) unpaid service in a hospital or in a public health service laboratory in the United Kingdom or the Republic of Ireland or with a primary care trust in the United Kingdom;

(b) unpaid service with a public body in the United Kingdom or the Republic of Ireland acting in the exercise of its functions relating to health, welfare or the care of children and young persons or with a voluntary organisation providing facilities or carrying out activities of a like nature in the United Kingdom or the Republic of Ireland;

(c) unpaid service in the prison, probation and aftercare service in the United Kingdom or the Republic of Ireland;

(d) teaching practice;

(e) unpaid research in an institution or, in the case of a student attending an overseas institution as a necessary part of his course, in an overseas institution;

(f) such experience as aforesaid falling wholly within the usual periods of attendance at the institution in any year which do not comprise paid service or employment and which do not aggregate more than either 6 weeks during that year or fall within that year and another year and do not aggregate more than 12 weeks during the 2 years taken together, where that other year has not already been taken into account for the purposes hereof;

(g) unpaid service with—

(i) a Health Authority established pursuant to section 8 of the National Health Service Act 1977(**43**) or a Special Health Authority established pursuant to section 11 of that Act (**44**);

(ii) a Health Board or a Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978(**45**); or

(iii) a health and social services board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(**46**); or

(iv) a Health and Social Services Trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(**47**).

(2) In the case of a student whose course includes the study of one or more modern languages for not less than one half of the time spent studying on the course and which includes periods of

(**43**) 1977 c. 49; Section 8 was substituted by the Health Authorities Act 1995 (c. 17), section 1(1)
(**44**) Section 11 was amended by the Health Services Act 1980 (c. 53), Schedule 1, paragraph 31, the National Health Service and Community Care Act 1990 (c. 19) Schedule 10 and the Health Authorities Act 1995 (c. 17), Schedule 1, paragraph 2
(**45**) 1978 c. 29; Section 2 was amended by the Health and Social Security Adjudications Act 1983 (c. 41), Schedule 7, paragraph 1, and by the National Health Service and Community Care Act 1990 (c. 19) Section 28 and Schedule 9, paragraph 19(1)
(**46**) S.I. 1972/1265 (N.I. 14)
(**47**) S.I. 1991/194 (N.I. 1): Article 10 was amended by the Health and Personal Social Services (Northern Ireland) Order 1994 (S.I. 1994/429 (N.I.2)) Article 3(8)

residence in a country whose language is a language of the course, "periods of experience" means such period of residence during which the student is employed.

(3) For the purposes of determining the prescribed proportion or the modified proportion where the number of weeks in question is not a whole number, a day shall be reckoned as a seventh of a week.

(4) In the application of this Schedule to a student to whom Schedule 8 applies, references to Schedules 6 and 7 shall be construed as references to those Schedules as modified in accordance with Schedule 8.

(5) In the application of this Schedule to a student who is attending a course provided at the University of Oxford or the University of Cambridge, the provisions thereof shall have effect as if—

(a) in the definition of "prescribed proportion" in sub-paragraph (1) for the number "30" there were substituted the number "25"; and

(b) in paragraph 3(a) and (b) for "30 weeks 3 days" there were substituted "25 weeks 3 days".

2. For the purposes of calculating payments in respect of maintenance under regulation 11(1)(*b*) the prescribed proportion of the aggregate of the amounts specified in Schedule 6 shall, as respects any sandwich year, be treated as the aggregate of the amounts so specified.

3. The provisions of Schedule 6 shall, as respects any sandwich year, have effect subject to the following modifications—

(a) where the period of full-time study does not exceed 30 weeks 3 days, the student's requirements for his ordinary maintenance shall be the prescribed proportion of the appropriate amount specified in Part I;

(b) where the period of full-time study exceeds 30 weeks 3 days, the student's requirements for his ordinary and supplementary maintenance shall be the aggregate of the appropriate amount specified in Part I and the appropriate amount specified in paragraph 5 of Part II;

(c) the student's requirement for the maintenance of a dependant shall be the modified proportion of the sum specified in Part III except that where such a requirement falls to be increased under paragraph 14 it shall be increased by the prescribed proportion of the sum there specified; and

(d) if the student is a person to whom Part IV applies, his requirements under that Part shall be the modified proportion of the amount there specified.

4. The provisions of Schedule 7 shall, as respects any sandwich year, have effect subject to the following modifications—

(a) the sum to be disregarded under paragraph 1(1)(*a*) of Part I shall be the prescribed proportion of £840 and the reference in paragraph 1(1)(*d*)(ii) to £1,900 shall be construed as a reference to the aggregate of £1,060 and the prescribed proportion of £840;

(b) in calculating the student's income—

(i) there shall be disregarded any payment made to him by his employer in respect of any period of experience;

(ii) the prescribed proportion of his income shall be treated as if it were the whole of his income;

(c) the amount of the parental contribution applicable to his case shall be the prescribed proportion of the contribution ascertained in accordance with Part II; and

(d) the amount of the spouse's contribution applicable to his case shall be the prescribed proportion of the contribution ascertained in accordance with Part III.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations, which come into operation on 20th October and have effect on and from 1st September 2000, revoke and replace, with amendments the Students Awards Regulations (Northern Ireland) 1999 as amended.

Retrospection is authorised by Article 50(2) of the Education and Libraries (Northern Ireland) Order 1986.

The changes of substance made by these Regulations other than the changes in the rates of fees, grants and allowances are described in the following paragraphs.

Regulation 7(1) is amended to provide expressly that members of the armed forces are treated as falling within the temporary employment abroad provision.

A new grant is available for a student who is entitled to receive a dependant's grant in respect of a dependant child. The student is eligible for a grant as specified in paragraph 14(2) of Schedule 6, if the child is aged 3 or 4 or attends a grant-aided school. The student is not eligible if the dependent child already receives school meals free of charge under arrangements approved by the Department of Education in accordance with the Education and Libraries (Northern Ireland) Order 1986 (*paragraph 14(3) of Schedule 6)*.

Paragraph 1(1)(*c*) of Schedule 7 is amended to extend the requirement to disregard grants to students to facilitate their training as teachers, in ascertaining the student's income, to payments in respect of such training by institutions receiving funding under section 5 of the Education Act 1994 ("training salaries") for students starting postgraduate courses of initial teacher training in the academic year 2000/2001.

In calculating an eligible student's income for the purposes of determining his contribution, payments made to him for the maintenance of his child are to be disregarded *(paragraph 1 (1) (t) of Schedule 7)*. Where neither a parental contribution under paragraph 3 of Schedule 7, nor a spouse's contribution under Part III of Schedule 7, applies in respect of the student, a new income disregard is applied under paragraph 1 (1) (*u*) of Schedule 7, in place of the disregards that otherwise apply under paragraphs 1 (1) (*a*) and 1 (1) (*q*). Payments for the maintenance of an eligible student's child or former spouse or person who lived with him as his spouse are to be deducted in calculating the student's income *(paragraph 1(4) of Schedule 7)*.

The provisions on the deductions to be made from a parent's gross income for the purpose of determining his residual income are amended; the disregard of life insurance premiums has now been abolished *(paragraph 6(2) of Schedule 7)*.

Paragraph 1 (1)(*a*) of Schedule 9 has been amended so that unpaid service with a primary care trust in the United Kingdom will also not be included in the definition of "sandwich year".